
From: Kathy O'Hanlon, Clerk to the Committee for Justice
Date: 16 January 2026
To: Keith McBride, Clerk to the Committee for Health
Subject: Adult Protection Bill

Dear Keith,

At its meeting on 15 January 2026, the Committee for Justice considered a response from the Department of Justice providing its view on relevant provisions in the Adult Protection Bill. Members agreed to forward the response to the Committee for Health. Please find a copy of the Department of Justice's correspondence attached.

As suggested in the Department's response, the Committee has further sought the views of the Police Service of Northern Ireland, the Harbour Police, the Probation Board Northern Ireland, the Public Prosecution Service and the Northern Ireland Policing Board regarding the provisions in the Bill that may impact their organisations. Once the responses have been received and considered, they will be shared with your Committee.

I would be grateful if you could bring this to the attention of your Committee.

Regards,



Kathy O'Hanlon
Clerk to the Justice Committee

Enc.

FROM THE OFFICE OF THE JUSTICE MINISTER



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Kathy O'Hanlon
Clerk to the Committee for Justice
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14 January 2026

Dear Kathy,

ADULT PROTECTION BILL

Thank you for your letter of 17 November 2025 relating to the draft Adult Protection Bill which is now being considered by the Health and Justice Committees. Whilst the Department can provide a view on the Bill, some of the provisions within the Bill impact those operationally independent of the Department and therefore I am not in a position to comment on the Bill's impact on them. These organisations are the PSNI, the Harbour Police, PBNI, PPS and the NIPB. I recommend that the committee also write to these organisations to seek their views.

In respect to Part 1 of the Bill:

I note the description of an Adult at Risk and the actions arising to safeguard these people. Currently, the proposed definition for an Adult at Risk is broad. Specifically, given the lack of a statutory definition of socio-economic factors, it could conceivably encapsulate people who are homeless or rough sleeping, have addiction issues, are in prison, involved within the criminal justice system, etc.



Whilst there are tangible benefits to attempt to safeguard this group of people, the intervention and investigation powers provided to Social Workers could be difficult to implement in these circumstances and environments. For example, NIPS has advised that the power for a social worker to enter a prison establishment without the necessary clearance would present difficulties for the safety and security of everyone living and working in prisons.

Furthermore, for those homeless or rough sleepers, it could be difficult for social workers to identify and investigate their circumstances when there is no fixed abode. It could also potentially result in the PSNI having a duty to report these to the relevant Trust where there is no requirement for police intervention, which needs to be considered in the context of PSNI's Right Care, Right Person policy.

In respect to Clauses 5, 6, 7, 8, 9, 10, 11 and 19 there is some concern about the implementation of such. As noted, the power of a social worker and another person to enter a Prison facility in relation to safeguarding enquiries, conduct interviews, and examine prison records without the necessary clearance would present difficulties for the safety and security of everyone living and working in prisons. NIPS has requested DoH to stipulate, within the Bill, which aspects of the Bill would apply directly to Prisons.

In respect to Clause 7: This has the potential to cause difficulties for NIPS and SEHSCT in facilitating additional medical examinations, which the Trust would ordinarily complete as part of existing procedures between both organisations.

In respect of Clauses, 9, 10 and 11 NIPS has indicated that these present specific difficulty regarding the removal of an individual from a prison environment where they have been remanded or sentenced. NIPS have also indicated there is a direct conflict with existing legislation in the prison context and are engaging with DoH in this regard. NIPS has also advised that DoH has received legal advice indicating that it should identify which provisions in the draft Bill should (and should not) apply to prisoners and then include a provision to the effect that specific sections do not apply in relation to persons detained in prison. We will keep this under review.



Clauses 8-17, 19-21 and 23-25 introduce new applications, court orders and warrants for entry. The creation of court rules should be considered against existing provisions to determine whether existing rules and applications are suffice. NICTS have advised that the creation of any new rules will need to be led by DoH as the Bill proposer.

More generally, this Bill creates a number of new offences and penalties aimed at supporting Adult Safeguarding which is welcomed; however, we recognise the potential to increase demands within the criminal justice system.

In respect to Part 2 of the Bill:

I note that part 2 of the Bill provides for the creation of an oversight Board which is in addition to the existing Safeguarding Board for Northern Ireland (SBNI); a statutory body to safeguard young people and children. This new oversight Board aims to ensure the effectiveness of the people or bodies represented on the Board which includes the Chief Constable. Given the Chief Constable is accountable to the NIPB, this might cause a conflict of responsibilities or accountability arrangements. The Justice Committee may wish to write to Northern Ireland Policing Board, to which the Chief Constable is accountable, to seek its views on the resource commitment placed on the Chief Constable as a result of this Bill and to understand if there are any accountability conflicts stemming from such.

The functions of the Board place a responsibility for it to develop practices and procedures for protecting adults at risk. There is an existing joint DoH / DoJ policy Adult Safeguarding: Prevention and Protection in Partnership which places various safeguarding duties on organisations. This policy should be considered in the context of the draft bill and amended or revoked as necessary.

The Board would also have responsibility for Serious Case Reviews. Such Reviews would consider the circumstances surrounding the death of, or serious harm to, an adult at risk. Their purpose would be to establish whether there are lessons to be learned from a case about the way in which agencies and professionals work together; and to action change as a result. Recent correspondence from ASTB seeks agreement to an amendment which would change the name of these Reviews to “Adult Protection

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Learning Reviews.” We would welcome this change to prevent confusion with PPANI Serious Case Reviews. We understand that the detail in relation to such Reviews will be set out in Regulations and would welcome the opportunity to engage with DoH during development, given the potential cross-over with the DOJ-led Domestic Homicide Reviews (DHRs), which are also learning reviews, and could include the same parties. We would be keen to avoid duplication or the requirement to review the same case more than once. We have already flagged this with SPPG colleagues during scoping work to identify the interface between DHRs and other similar Review processes.

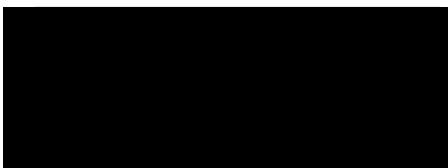
In respect to Part 3 of the Bill:

The introduction of new offences will need to be created and added to the Causeway system which is a PPS role. The committee may wish to seek their views in respect to this.

There are a number of indictable offences that, if successfully prosecuted, will increase the demand on prisons and the wider justice system.

There are no observations or comments in relation to Part 4 or 5.

Best regards



**CAOIMHE MCKEOWN
DALO**



**Northern Ireland Assembly
Committee for Justice**

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17 November 2025

Adult Protection Bill

Dear David

At its meeting on 13 November 2025, the Committee for Justice considered correspondence from the Committee for Health regarding its call for evidence on the Adult Protection Bill.

The Committee agreed to ask the Department for its views on the provisions in the Bill that the Committee for Health has drawn attention to. A copy of the relevant correspondence is attached.

I should be grateful for a response by 1 December 2025.

Yours sincerely


Kathy O'Hanlon
Clerk to the Committee for Justice

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